Rochester to appeal decision on gay group's tax exemption

By Gary Craig
Staff writer

The city of Rochester has decided to appeal a recent state Supreme Court ruling that it discriminated against the Gay Alliance of the Genesee Valley Inc. by denying it a property tax exemption.

Justice Andrew Siracuse ruled last week that the city must grant the exemption for the property at 179-183 Atlantic Ave. A strongly worded ruling chastised the city, saying it appeared that the exemption wasn't granted in part because the Alliance's membership consists of homosexuals.

"We're very surprised and very disturbed," the alliance's lawyer Ellen Yacknin said about the city's decision to appeal. "Judge Siracuse said in the strongest of words that what the city is doing is wrong. The city should take his words to heart."

Louis N. Kash, the city's lead lawyer, said yesterday the city will appeal.

The city has maintained that the property does not meet state standards for tax exemptions.

"The rationale (for the appeal) is we believe that the lower court has erred," Kash said. "The city does not discriminate against gays and lesbians and we believe that the question of tax exemption is a legitimate question to present to an appeals court."

Because of Siracuse's ruling, the city will receive a formal order requiring it to grant the tax exemption.

The city then has 30 days to file a notice it plans to appeal.

An appeal typically takes about eight months, Kash said.

Yacknin maintains that the appeal is a slap at the gay community. She said the city also appears willing to "waste taxpayers' money."

Siracuse ordered the city to pay the alliance's legal fees, a bill that has not yet been completed.

Siracuse also ordered that a hearing be held within the next month to decide whether fines should be slapped on the city for what he deemed as questionable legal conduct. ❑

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sioner Jorling," said Sheffer, a member of the Senate Environmental Conservation Committee. "The fundamental rights of the citizens and taxpayers of this region have been trampled."

Sheffer represents Genesee County residents near the landfill.

The landfill had been scheduled to open this month, but an operating permit was held up while the Department of Environmental Conservation examined whether to hold a new hearing. Monroe County estimated the delay would cost $500,000 a month.

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